



Signed: February 08, 2011

EDWARD D. JELLEN
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re Case No. 10-49377 J
Adv. No. 10-4292 AJ
DAVID N. PILKINGTON and
CHERYL R. PILKINGTON,
Debtors. /
DAVID PILKINGTON,
Plaintiff,
vs.
BAC HOME LOANS SERVICING, LP,
Defendant(s). /

MEMORANDUM RE ABSTENTION

The court has considered the factors for discretionary abstention pursuant to 28 U.S.C. § 1334(c)(1), and has concluded that abstention is appropriate. See In re Tucson Estates, Inc., 912 F.2d 1162, 1166-67 (9th Cir. 1990).

All of the claims for relief are matters governed by California law. The matters at issue are not core bankruptcy matters under 28 U.S.C. § 157(b)(2). The parties have a right to a jury trial. If

MEMORANDUM

1 the matter is to be tried, the burden on the court's docket would be
2 substantial.

3 For the foregoing reasons, the court will issue its order
4 dismissing this adversary proceeding, without prejudice.

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6 **END OF ORDER**
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MEMORANDUM

COURT SERVICE LIST

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MEMORANDUM